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REMARKS

Claims 3 and 7 have been amended to present them in independent form. Claim 9 has been amended to return it to its original form which was discussed in the Appeal Brief.

Jessberger (U.S. Patent 6,494,290) discloses a plurality of embodiments. In the embodiment of Figure 1, the device can be assembled with tubes of length 3a or 3b - thus the frequency response is not variable without reassembly. In the embodiment of Figure 2, flow paths having cross sectional areas of zero, A1, A2, and A1 plus A2 are disclosed but there is no change in chamber volume nor is there continuous communication through a single restricted connection. In the embodiment of Figure 4, wall 15 is movable to vary the volume of the resonator. No embodiment discloses plural restricted paths with one path always open or plural paths in combination with a variable volume.

Claims 3, 4 and 7-12 stand rejected under 35 U.S.C. § 102(e) as anticipated by Jessberger. Independent claims 3 and 7 recite "a closed chamber . . . continuously operatively connected to said inlet line via a restricted connection" and "said means for changing the frequency response includes at least one restricted connection which is selectively connected between said chamber and said inlet line" (emphasis supplied). Jessberger does not disclose plural restricted connections with one always providing a connection. Claims 3 and 7 therefore define over Jessberger. Claims 4 and 8 are dependent from claims 3 and 7, respectively, and define over Jessberger for the same reasons. Additionally, claims 4 and 8 recite that "said means for changing the frequency response further includes means for effectively changing the volume of said closed chamber" and Jessberger does not disclose the combination of plural restricted connections and a variable volume. Independent claim 9 recites "a closed chamber . . . continuously operatively connected to said inlet line via a restricted connection" and "a valve having only an open and a closed position" (emphasis supplied). Only the Figure 4

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embodiment has plural connections or a valve but Jessberger does not disclose plural restricted connections with one always providing a connection and valve 10 has four positions (see column 3 lines 12-14) not only an open and a closed position as required by the claim. Claims 10-12 are dependent from claim 9 and define over Jessberger for the same reasons. Claims 10 and 12 require changing the volume which is not disclosed in combination with plural restrictions in Jessberger.

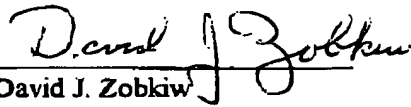
Claims 4, 8 and 12 stand further rejected under 35 U.S.C. § 103(a) as unpatentable over Jessberger in view of Bloomer. Claims 4, 8 and 12 require: (1) a continuously open restricted connection; (2) a selectively connected restricted connection; and (3) a variable volume. As noted above, Jessberger does not disclose an embodiment: (1) having plural restricted connections with one always being open; or (2) the combination of plural restricted connections and a variable volume. Bloomer discloses a plurality of embodiments in which a valve moves between seated positions. The valve is never just open except in transition between seated positions. In the embodiment of Figures 1-3 you either have two small volume resonators or a single resonator with the combined volumes (see column 1, lines 54-63, particularly lines 62 and 63). In the embodiments of Figures 4-6 the structure alternates between fluid flow path and resonator. The Examiner's characterization of Bloomer ignores the fact that valve member 38 goes between two closed positions which only determines whether or not volumes 30 and 31 define one or two resonator volumes and there is only one restricted connection with each volume. Further the "closed chamber (12)" of Jessberger has only one restricted connection such that valve 38 of Bloomer would serve no purpose since the volume is already variable. However, accepting, *arguendo*, the Examiner's characterization of Bloomer, it still fails to provide the deficiencies noted with respect to Jessberger.

Reconsideration of the rejection of claims 3, 4 and 7-12 is respectfully requested. As noted above the references fail to disclose plural restricted connections with the volume with one connection always being open. The references further fail to disclose the combination of plural restricted connections and a variable volume.

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For the reasons set forth above, it is believed that claims 3, 4 and 7-12 are now in condition for allowance and such action is respectfully requested.

Respectfully submitted,
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